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**Testimony of Speaker of the House Christopher G. Donovan  
To the Judiciary Committee in support of:**

***HB 5548, AAC Domestic Violence***

March 23, 2012

Good morning Representative Fox, Senator Coleman and members of the Judiciary Committee. I appreciate the opportunity to express my support for one of the many important proposals before you this session.

This legislation builds on a multi-year bipartisan effort to improve the state's response to domestic violence. HB 5548, along with a bill that was voted out of the Human Services Committee yesterday, comprise the 2012 legislative recommendations of the Speaker's Task Force on Domestic Violence. The bipartisan task force has met with many advocates, survivors, judges, prosecutors, attorneys, law enforcement officers, support service providers, and state agency staff. In 2010, this input helped shape the most sweeping changes to our domestic violence statutes since the Tracey Thurman Law passed in 1986. We have seen a lot of progress since 1986, but tragically, domestic violence continues to plague families in all of our communities.

Domestic violence is a pattern of abusive behavior between partners where one person uses physical, sexual, psychological, financial or verbal abuse to try to control the other. The victim feels powerless, intimidated and dependent on the abuser, making it hard to leave the relationship. So when a victim has worked up the courage to call police, to request a restraining order, or leave her home, we want to make sure that services are in place to support a victim's efforts.

HB 5548 includes a number of measures to support victims, police officers, advocates and other front-line service providers. This bill gives police officers new tools for responding to incidents of domestic violence. We owe it to victims to train police in best practices so that they can respond to calls speedily and appropriately. We also ask a lot of our police when they are sent out to domestic violence incidents. They are often walking into a home where they must instantaneously assess risk, identify and protect the victims and enforce our statutes. This fall the Task Force on Law Enforcement Response to Family Violence (LERFV), which included representatives of the police, victim advocates, the Judicial Branch, the Chief State's Attorney and the Chief Public Defender, met to discuss these complex and important issues. The group issued recommendations concerning training, arrest procedures, data collection, enforcement of protective orders, and drafted a uniform model policy for police across the state to use in responding to domestic violence incidents.

Many of the LERFV Task Force's recommendations have been incorporated into HB 5548, including a requirement that police departments develop and implement operational guidelines for arrest policies in family violence incidents that meet the standards included in the Model Policy developed by the LERFV Task Force. This provision sets a uniform standard, but gives police the flexibility to tailor implementation to fit their departments. The bill also establishes a Family Violence Model Policy Governing Council to update the model policy going forward and review relevant data.

HB 5548 also takes several steps to improve the enforcement of restraining and protective orders. It gives victims new options for reporting email, phone and text message violations of orders. Victims have indicated there has been confusion about the appropriate place to report electronic and telephonic violations of orders. This legislation permits them to report such violations in the town where they reside, where they receive the communication or where the communication was initiated.

The bill also requires that the court share a protective order with the school or college that a victim attends, upon request of a victim. Current law requires that orders be shared with the police departments in the town where the victim lives and works and the town where the defendant lives, but it does not require that schools or campus police are notified of an order. The legislation also permits judges to issue restraining orders for up to one year. Currently the maximum length of a restraining order is six months. This change will reduce stress and risk to victims who will have to return to court and interface with their offenders less frequently.

The bill creates a felony crime of threatening in the first degree for threats that involve the use or attempted use of a firearm. Threatening is often a precursor to serious violence. Under current law, threatening with a firearm falls under a misdemeanor threatening charge, even though it may put the victim at a heightened degree of risk.

This legislation also commissions a feasibility study of 911 texting. We have seen numerous cases where enabling a victim to contact police for assistance without making a phone call could have made all the difference in a victim's safety. At this time, there are a number of technical and infrastructure barriers to implementing 911 texting statewide, but the bill takes steps to make progress in this area.

Finally, we need to continue to make progress on domestic violence dockets and GPS monitoring of offenders. Domestic violence dockets use a multidisciplinary team approach and include state's attorneys, family violence victim advocates, family relations counselors, probation officers, law enforcement personnel, and judges. Team members share information and provide recommendations to the court. There are eight remaining criminal courts without domestic violence dockets. In addition, the GPS pilot conducted in 2010 and 2011 showed that this approach to monitoring and providing follow-up to high risk offenders is effective, but requires additional staff resources. Although funds are tight, I am confident that working collaboratively, we can identify partnerships to support these important tools.

I would like to take this opportunity to express my appreciation to Representative Gerald Fox and Senator Coleman for their work on these issues over the last several years. I would also like to commend Representative Mae Flexer, Chair of the Domestic Violence Task Force and the many members who are working to prevent and address domestic violence in our communities. I urge your support for these critical proposals.